



CLAIM OF: KENNETH D. ROOT 4513 Austin Drive North Little Rock, Arkansas 72116

For damages alleged to have been sustained as a result of a vehicular accident on February 17, 2003 at Parkway Drive, Ne and North Avenue, NE.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to KENNETH D. ROOT the sum of \$3,728.91 in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on February 17, 2003 at Parkway Drive, Ne and North Avenue, NE. as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: LINDA K. DISANTIS

**CITY ATTORNEY** FAVORAD PUBLIC SAF BY: JERRY L. DELOACH ON COMMITTE DEPUTY CITY ATTOKNEY

#### MUNICIPAL CLERK ATLANTA, GEORGIA

03-R-0636

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to Kenneth D. Root in the sum of \$3,728.91 in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a vehicular accident on February 17, 2003 at Parkway Drive, NE and North Avenue as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

#### GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 03L0140		\$3,72	28.91	
IN CONSIDERATION of the sum of	the CITY OF A heirs, executors, including but no ion, suits, damag fore occurred, a	ATLANTA, the administrator of the limited to <u>Charter</u> es, loss and ex and particularly	e future receipt of where, and assigns, release ristopher M. Overmorenses, of whatsoever of for or on account of	hich is hereby se and forever eyer, from any kind or nature a vehicular
at or near Parkway Drive, NE and North	Avenue, NE			
It is further understood and agreed that admission on the part of the City, its officers, undersigned further covenants and agrees to it servants and employees, from any and all cla agents, servants and employees, may be called And I now state that the only considers of the sum stated above; that no other promise said City or its agents to cause me to sign this instrument.	agents, servants indemnify and ho ims, damages or d upon to make a ation for my sign or agreement of	or employees Id harmless the costs which is a result of the ing this release any kind or na	of any liability what e City of Atlanta, its of the said City of Atlanta e event hereinbefore re and indemnification ature has been made to	soever and the fficers, agents, ta, its officers, referred to.  is the payment or with me by
WITNESS my hand and seal this	<u>28 th</u> d	ay of Ma	irl	, 2003.
	KENNE 1	My A	Con-	(LS)
The above release was read and explain	ned to, and sign		Kenneth DRoo	
	<u> </u>		nee on the date above	WIIIIOII.
	()r	ke Higgin Kristie	VITNESSES	

## RECEIVED . 19 8 A 3883

#### COUNCIL OF THE CITY OF ATLANTA MUNICIPAL CLERK

City Hall 55 Trinity Avenue, SW Atlanta, Georgia 30303 RE: CLAIM FOR DAMAGES

Today's Date: C 063

Atlanta, G	reorgia 30303	ENTERED - 2-26-03 - SB 03L0140 - DIANNE MITCHELL
	nicipal Clerk:	
This is to and/or \$_	notify the City of Atlanta that I have suffered d bodily injury for which I contend	lamages in the amount of \$4,162.46 property the City is liable.
1. I	Date of incident: 0 2 10 2. Time of i	incident: 100 gm 3. Police called: 10
4. I	Location of incident (including street address):	Int. of Morth ? Parkway
5. N	Name of your insurance company:	Policy No. 18-133 3-66-29
6. 8	State what and how incident occurred:	was driving cast on book
-	Ave. A price cor lan	a red light on the work
-	5 De of the street o	
-	I will dear be with him	as I posseda) though the entersection
I	ALL ESTIMATES AND DAMAGES ARE SUFFALSE CLAIMS WILL RESULT IN YOUR CONTINUAL PROSECUTION!	UBJECT TO INSPECTION. THE MAKING OF CLAIM BEING DENIED AND MAY RESULT IN
;	attach two (2) estimates of repair and proof of o	for vehicle damages, complete the following and ownership of your vehicle.  (Driver's Name)  (Driver's Name)  (Department/Bureau)  (Department/Bureau)
10.	The acknowledgement of this claim in no wa	ray waives the Sovereign immunity of the City of dmission of liability on behalf of the City of Atlanta
	Claims must be received within 6 months from I HEREBY SWEAR OR AFFIRM THAT THE	
	ABOVE INFORMATION IS TRUE AND	(Print Claimant's Name)
	CORRECT.	(Address)
	Signature of Claimant	V Little Rock AN 72116
		(City, State and Zip Code)
		(Werk Number) (Home Number)
		Allarea

### DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. <u>03L0140</u> Date: <u>March 21, 2003</u>
Claimant / Victim KENNETH D. ROOT
BY: (Atty)(Ins. Co.)  Address: 4513 Austin Drive, North Little Rock, Arkansas 72116
Subrogation: Claim for Property damage \$ Bodily Injury \$
Date of Notice: 02/20/03 Method: Written proper X Improper
Date of Notice: 02/20/03   Method: Written, proper   X   Improper    Conforms to Notice: O.C.G.A. §36-33-5   X   Ante Litem (6 Mo.)   X    Date of Occurrence   02/17/03   Place: Parkway Drive, NE and North Avenue, NE
Data of Occurrence 02/17/02 Place: Parkway Drive NE and North Avenue NE
Date of Occurrence <u>02/17/05</u> race. <u>Tarkway Drive, IVE and IVOID Avenue, IVE</u>
Department Police Division:  Employee involved Christopher M. Overmeyer Disciplinary Action: Pending
Employee involved Christopher M. Overnieger Disciplinary Action Tending
NATURE OF CLAIM: The driver of the City vehicle failed to yield right-of-way to the driver of the claimant's vehicle causing the collision.
INVESTIGATION:
Statements: City employee X Claimant Others Written Oral X
Statements: City employee X Claimant Others Written Oral X  Pictures X Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver X Claimant Driver
Citation disposition: City Driver Claimant Driver
Chanton disposition. City Driver Channant Driver
BASIS OF RECOMMENDATION:
Function: Governmental X Ministerial Damages reasonable
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. CoRepair/replacement by City ForcesClaimant Negligent City Negligent Claim Abandoned
Claimant Neoligent City Negligent X Joint Claim Abandoned
Claimant regrigent city regrigent
Respectfully submitted,
Den luden
INVESTIGATOR - DIANNE C. MITCHELL
/ 2213.11 221 221 22 22 22 22 22 22 22 22 22 22
RECOMMENDATION:
Pay \$ 3,728.91 Adverse Account charged: 1A01 X 2J01 2H01 2P01
Claims Manager: Concur/date 03-21-03
Committee Action:Council Action
Continued Action.

FORM 23-61



#### MUNICIPAL CLERK ATLANTA, GEORGIA

03-R-0636

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to Kenneth D. Root in the sum of \$3,728.91 in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of a vehicular accident on February 17, 2003 at Parkway Drive, NE and North Avenue as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

Deputy Clerk

ADOPTED by the City Council APPROVED by the Mayor

May 5, 2003 May 13, 2003

#### Atlanta City Council

#### Regular Session

CONSENT I Pgs. 1-15: Except 03-R-0616; 03-O-0672 03-R-0629; 03-O-0449 ADOPT

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 0

Y Smith NV Archibong Y Moore Y Mitchell Y Starnes Y Fauver Y Martin NV Norwood NV Young Y Shook Y Maddox Y Willis Y Winslow Y Muller Y Boazman NV Woolard

## 5/05/03 FULL COUNCIL MEETING

## Items Adopted on the Consent Agenda

# Items Adversed on the Consent Agenda

36. 03-R-0624
37. 03-R-0625
38. 03-R-0626
39. 03-R-0606
40. 03-R-0609
41. 03-R-0610
42. 03-R-0611
43. 03-R-0612
44. 03-R-0613
45. 03-R-0614
46. 03-R-0615
47. 03-R-0630
48. 03-R-0659
49. 03-R-0694
50. 03-R-0627
51. 03-R-0635
52. 03-R-0636
53. 03-R-0637

54. 03-R-0638

55. 03-R-0639

56. 03-R-0640

57. 03-R-0645

58. 03-R-0641 59. 03-R-0642 60. 03-R-0643 61. 03-R-0644 62. 03-R-0646

20. 03-O-0435 21. 03-O-0547 22. 03-R-0596 23. 03-R-0597 24. 03-R-0603 26. 03-R-0604 27. 03-R-0605

19. 02-O-0680

28. 03-R-0607 29. 03-R-0366 30. 03-R-0618 31. 03-R-0619

32. 03-R-0620 33. 03-R-0621 34. 03-R-0622

35. 03-R-0623 °

Consent I Vote: 12Yeas; 0 Nays: (See RCS #4709) (1st Consent Vote: 13Yeas; 0 Nays (See RCS #4667); Reconsidered:12 Yeas; 1 Nay (See RCS #4708))

Items Removed from the Consent Agenda: 03-R-0616; 03-O-0672; 03-R-0629; 03-O-0449